

### **REMARKS**

Claims 1-11, 13-15, 17-25, 27-34, 36-55, 57-58, 82-84 and 86-181 are pending in this application. Claims 12, 16, 26, 35, 56, 59-81 and 85 have been canceled without prejudice. Claims 1, 8, 13, 17-19, 21-23, 36-38, 40-42, 44-45 and 52 have been amended. Claims 86-181 have been added.

Claim 1 has been amended to recite that

(1) D (or at least one of D1 and D2) comprises at least one fluorescent dye that comprises a xanthene, a rhodamine or a fluorescein the dye "that comprises a xanthene, a rhodamine or a fluorescein" (which is supported in the original disclosure at page 18, lines 4-9 and page 25, lines 21-24, for example), and

(2) "wherein L or at least one of L1 and L2 comprises at least one anionic phosphate or anionic phosphonate (which is supported in the original disclosure at page 21, line 28 through page 22, line 13 and page 25, lines 33-34, for example).

Claims 8, 22, 41 and 52 have been amended to include the word "anionic", consistent with parent claim 1.

Claims 13, 17-19, 21, 23, 36-38, 40, 42 and 44-45 have been amended to correct claim dependency.

Claims 86-181 have been added to depend to from method claim 82. It can be seen that these claims parallel pending claims that depend from independent claim 1. However, the undersigned is ready to provide a table of support at the request of the Examiner.

No new matter is introduced by these amendments.

#### **I. 112 Rejection**

Claims 78-80 were rejected under 35 U.S.C. 112, second paragraph, because the phrase "the four different labeled nucleoside triphosphates" allegedly lacks antecedent basis. The rejection is believed moot in light of cancellation of these claims. Accordingly, withdrawal of the rejection is respectfully requested.

## **II. 102 Rejection**

Claims 1-3, 11, 14, 59-68 and 81 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Bazin et al. (WO 99/18114) (assuming that subsequently issued U.S. Patent 6,340,747 contains an equivalent English translation of the French PCT text). The rejection of claims 59-68 and 81 is moot in light of cancellation of those claims. Moreover, with reference to the remaining claims, Bazin fails to teach or suggest a conjugate comprising a dye labeled nucleobase of the form:

(1) B-L-D, wherein B is a nucleobase, L is an anionic linker, and D comprises at least one fluorescent dye that comprises a xanthene, a rhodamine or a fluorescein, or

(2) B-L1-D1-L2-D2, wherein B is a nucleobase, L1 and L2 are linkers such that at least one of L1 and L2 is an anionic linker, and D1 and D2 are members of a fluorescent donor/acceptor pair, such that one of D1 and D2 is a donor dye capable of absorbing light at a first wavelength and emitting energy in response thereto, and the other of D1 and D2 is an acceptor dye capable of absorbing energy emitted by the donor dye and fluorescing at a second wavelength in response thereto, and at least one of D1 and D2 comprises a xanthene, a rhodamine or a fluorescein,

wherein L or at least one of L1 and L2 comprises at least one anionic phosphate or anionic phosphonate.

Accordingly, withdrawal of the rejection is respectfully requested.

## **III. 103 Rejection**

Claims 69-76 and 82-85 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bazin et al. (WO 99/18114) in view of Tabor et al. (U.S. 4,798,699). The rejection of claims 69-76 and 85 are moot in light of cancellation of those claims.

Claim 82 incorporates the features of claim 1. As indicated above, there is no teaching or suggestion in Bazin of a conjugate in accordance with independent claim 1. Nor are the deficiencies of Bazin remedied by Tabor, which was cited solely for describing the use of fluorescently labeled nucleotides in polynucleotide sequencing reactions. Accordingly, withdrawal of the rejection is respectfully requested.

## **IV. Conclusion**

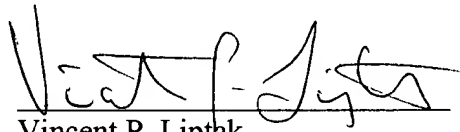
Applicants submit that the application is in condition for allowance. Accordingly, issuance of a notice of allowance is respectfully requested.

**FEE AUTHORIZATION and REQUEST FOR TIME EXTENSION**

A Petition for a 2-Month Extension of Time is enclosed herewith. If any additional time extensions are required, such time extensions are hereby requested. If any additional fees not submitted with this response are required, please take such fees from Applied Biosystems Deposit Account No. 01-2213 (Order No. 449511US).

Respectfully submitted,

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Vincent P. Liptak  
Agent for Applicants  
Reg. No. 53,225  
Telephone: 650-638-6895  
Customer No.: 22896